

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
) Criminal No. 05-24 Erie
)
BARRY WAYNE LEWIS)

ORDER ON DEFENDANT'S COMPETENCY

This matter having come before the court upon the defendant's motion for a competency hearing. **THE COURT FINDS** by a preponderance of the evidence that Mr. Lewis is presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

THE COURT ORDERS pursuant to 18 U.S.C. §§4241(d), that Mr. Lewis is committed to the custody of the Attorney General for treatment in a suitable facility for a reasonable period of time, not to exceed four months, as is necessary to determine whether there is a substantial probability that in the foreseeable future he will attain the capacity to permit the trial to proceed. If, during the following four months Mr. Lewis does not attain the capacity to permit the trial to proceed, the Attorney General shall provide a psychiatric or psychological report to the Court stating the Attorney General's opinion as to whether additional treatment will result in a substantial probability that Mr. Lewis will attain the capacity to permit the trial to proceed.

IT IS FURTHER ORDERED that any delay resulting from the proceedings, including any examinations, to determine Mr. Lewis' competency shall be excluded under Title 18 U.S.C. § 3161(h)(4).

SEAN J. McLAUGHLIN
UNITED STATES DISTRICT JUDGE

cc: Counsel of Record
us marshal's Service
Pretrial/Probation Service